

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Akira NAKAGAWARA et al.

Application No.: 10/570,346

Filed: March 3, 2006

Attorney Docket No.: 7388/88083

Confirmation No.: 1857

Customer No.: 42798

DECLARATION OF TOSHINORI OZAKI

Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

I, Toshinori Ozaki, am the second named inventor of the present application and declare as follows:

1. Upon present information and belief Japanese Application P2003-314345 does not include my name in English. Said Japanese Application is identified in the Oath and Declaration herein.
2. It is my understanding that the characters in the Japanese language for my first name can be mis-read or transliterated as Toshifumi instead of Toshinori.
3. I am the same individual identified as Toshifumi Ozaki on PCT application PCT/JP2004/012955, filed on September 6, 2004, which PCT application is identified in the Oath and Declaration herein.
4. I did not issue the instructions for filing said PCT application.
5. I discovered that there was a mistake in my first name in the PCT application in 2006 when I was asked to review application papers, which included an Oath and Declaration for this U.S. application. I asked that the Oath and Declaration for the U.S. application be revised to recite my correct name, Toshinori Ozaki. I thereafter signed the corrected Oath and Declaration with my correct name.
6. I had no deceptive intention and acted in good faith when I signed and dated the Oath and Declaration for this U.S. Application.

7. Upon information and belief the above-mentioned signed Oath and Declaration has been filed in the U.S. Patent Office.

I hereby declare further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Toshinori Ozaki
Name: Toshinori Ozaki

date Dec. 27, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Akira NAKAGAWARA et al.

Application No.: 10/570,346

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Customer No.: 42798

DECLARATION OF SHIGEO OTA

Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

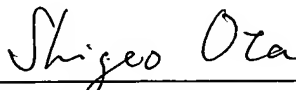
I, Shigeo Ota, am a manager in the Intellectual Property Section of Hisamitsu Pharmaceutical Co., Inc. (assignee of this application), and declare as follows:

1. Based on my personal knowledge, Hisamitsu Pharmaceutical Co., Inc. instructed one of its outside Japanese patent agent firms to file an application under the PCT provisions based on Japanese application P2003-314345. I am the person who issued the instructions. Upon present information and belief, said Japanese Application is identified in the Oath and Declaration filed in the above-captioned U.S. Application 10/570,346.
2. The above-mentioned Japanese Application P2003-314345 does not include inventor Ozaki's name in English.
3. In the Japanese language the characters for inventor Mr. Ozaki's first name could be transliterated as Toshifumi or as Toshinori, but in general should ordinarily be read as Toshifumi.
4. Based on my personal knowledge, at the time said instructions were issued to said outside Japanese patent agent firm, it was thought innocently by the person issuing the instructions to file the PCT application that inventor Mr. Ozaki's first name was Toshifumi.
5. Thus, based on my personal knowledge, the outside Japanese patent agent firm was instructed in good faith that the second inventor was named

Toshifumi Ozaki, but it was not then appreciated by the person issuing said instructions that the second inventor's name was actually Toshinori Ozaki.

6. Based on my personal knowledge, there was no deceptive intent regarding the the second inventor's first name when the instructions to file the above-mentioned PCT application were issued.
7. The PCT application PCT/JP2004/012955 was duly filed on September 6, 2004.
8. Upon present information and belief, the Oath and declaration filed in the present U.S. Application identifies the PCT application and claims the filing date benefit thereof.
9. The need to correct the second inventor's first name was not discovered until 2006 when Mr. Ozaki noted the mistake in his first name when he was requested to review application papers, which included an Oath and Declaration for present U.S. application.

I hereby declare further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.



Name: Shigeo Ota

date 2006.12.28